

AGENDA

**BOARD OF COMMISSIONERS
SPECIAL MEETING
315 WEST SECOND STREET
FRANKFORT, KY 40601
502/875-8500**

**NOVEMBER 27, 2006
5:30 P.M. (EST)**

1. INVOCATION

Reverend Louis Newby, First Corinthian Baptist Church

PLEDGE OF ALLEGIANCE

John Hammond

ROLL CALL

MINUTES

October 30, 2006 Special Meeting;
November 3, 2006 Special Meeting;
November 13, 2006 Special Meeting;
November 13, 2006 Work Session.

MAYOR'S REPORT

2. CEREMONIAL ITEMS

- 2.1 Recognition of City's Reverse 911 System.

3. ORDINANCES

- 3.1 **SECOND READING:** An Ordinance amending Frankfort Code of Ordinances, Chapter 37, Personnel; City Employees, Section 37.34, and Positions for the Sewer Department, Section 37.35, Biweekly Rates.

Purpose: To amend sections of Frankfort Code of Ordinances to adjust positions and classifications.

Background: This ordinance change is to continue to streamline our system. Some positions and classifications are renamed and applicable classifications adjusted.

This Ordinance had its first reading on October 30, 2006

Financial Analysis: Cost to make affected adjustments will be approximately \$1,076.43. Funds are available in the 2006-2007 Budget.

Recommendation: Approval

Attachments:

- Ordinance

Contact:

Name: John Morrow
Title: Director
Department: Personnel
Phone: 502/875-8500
E-Mail: jmorrow@fewpb.com

- 3.2 **SECOND READING:** An Ordinance rezoning property for a 1.59-acre parcel of property located at 113 Old Soldiers Lane with the PVA map # 049-40-06-028.00 from Residential "B" District (RB) to Professional Office District (PO).

Purpose: To consider approval of the recommendation of approval by the Frankfort/Franklin County Planning Commission concerning a zone map amendment by J.T. Lunsford Company, LLC, for a 1.59-acre vacant parcel of property located at 113 Old Soldiers Lane from Residential "B" district (RB) to Professional Office District (PO). More specifically described as PVA map #049-40-06-028.00.

Background: KRS requires that a public hearing be held by the Planning Commission and that the Planning Commission's recommendation be forwarded to the Local Government.

Should the City Commission desire not to follow the Planning Commission's recommendation, then the item is to be tabled and a request for a verbatim transcript of the Planning Commission meeting, which must be obtained before the item can be heard by the City Commission. The City Commission will then be required to make their own findings of fact based on the verbatim transcript or hold its own public hearing and then make findings of fact. Any action by the City Commission is to be limited to only the findings and testimony given during the Planning Commission hearing and no additional evidence or testimony is to be received unless, a new public hearing is held by the City Commission.

On September 14, 2006, the Frankfort-Franklin County Planning Commission held a public hearing to consider a zone change request for this property. The public hearing was closed (no one present spoke in opposition to the zone map amendment – an adjacent owner did request that a fence be installed along their property) and the Planning Commission adopted the report as the summary. They then approved and adopted the 5 findings of fact as identified within the report, and motioned to recommend approval of a zone map amendment from Residential "B" district (RB) to Professional Office District (PO) based on the five (5) findings of fact. The motion to recommend approval of the requested zone map amendment passed unanimously.

This Ordinance had its first reading October 30, 2006.

Recommendation: Approval

Attachments:

- Ordinance
- Adopted Findings of Facts
- Staff Report reviewed by the Frankfort/Franklin County Planning Commission

Contact Person

Name: Gary Muller
Title: Director
Department: Planning and Building Codes
Phone: 502/352-2100
E-mail: Gmuller@fewpb.com

- 3.3 **SECOND READING:** An Ordinance Amending Ordinance No. 4, 1995 Series (Frankfort Code of Ordinances Section 36.198). A Joint Ordinance Relating to the Establishment of a Joint City/County Economic/Industrial Development Authority.

Purpose: The purpose of this is to amend the City-County Economic Industrial Development Authority (CCEIDA) Ordinance.

Background: This Ordinance amends the joint City/County Economic Development Authority Ordinance as it relates to occupational tax sharing. The amendment provides that occupational license fees received from all new incoming business or industry located in Frankfort or Franklin County shall be

shared fifty-fifty with each local government. Governmental expansions or shifts of state government offices shall not come under this tax-sharing requirement.

This Ordinance will minimize competition between the City and County in economic development recruitment. It will also allow CCEIDA to market the Frankfort Research and Office Park, as well as other properties the City has available.

This Ordinance had its first reading on November 3, 2006.

Financial Analysis: By adopting this Ordinance, it will be possible, upon agreement by the City and the County, for all occupational taxes to be collected by one governmental entity and distributed. This should result in greater collection of occupational taxes in the future.

Recommendation: Approval

Attachments:

- Ordinance

Contact Persons:

Name:	Tony Massey	Robert C. Moore
Title:	City Manager	City Solicitor
Department:	City Manager	
Phone:	502/875-8500	502/227-2271
E-Mail:	Amassey@fewpb.com	Rmoore@hazelcox.com

- 3.4 **SECOND READING:** An Ordinance of the City of Frankfort, Kentucky, providing for the issuance of the City's General Obligation Bonds, Series 2006, for the purpose of providing funds to pay costs of a new Public Safety building and related facilities; setting forth the terms and conditions upon which the bonds are to be issued and outstanding; ordering and providing for the levy of an annual tax, to the extent necessary, sufficient to pay the interest on and principal of the bonds; providing for a public sale of the bonds and the application of the proceeds thereof; and approving related documents and actions.

Purpose: Approval of an Ordinance authorizing the sale of General Obligation Bonds to provide financing for the new Public Safety building and related facilities.

Background: The City Commission authorized agreements with Morgan Keegan to provide financial services and Stoll, Keenan and Ogden to provide legal services for the issuances of up to \$10 million of General Obligation Bonds to provide financing for the Public Safety building. This bond ordinance is a necessary step toward issuance of the bonds.

This Ordinance had its first reading November 13, 2006.

Recommendation: Approval

Attachments:

- Ordinance
- Summary of Ordinance

Contact Persons:

Name:	Steve Dawson	Rob Moore
Title:	Director	City Solicitor
Department:	Finance	
Phone:	502/875-8500	502/227-2271
E-Mail:	Sdawson@fewpb.com	rmoore@hazelcox.com

- 3.5 **FIRST READING:** An Ordinance rezoning property for a 0.48-acre property addressed as 611 Kings Daughter Drive with the PVA map #050-00-00-079.00 from Low-Density Multi-Family Residential District (RL) to Professional Office (PO).

Purpose: Approval of the recommendation of approval by the Frankfort/Franklin County Planning Commission concerning a zone map amendment by Natalie Romans and Guy Simpson for a 0.48-acre property addressed as 611 Kings Daughter Drive from Low-Density Multi-Family Residential District (RL) to Professional Office (PO). More specifically described as PVA map #050-00-00-079.00.

Background: KRS requires that a public hearing be held by the Planning Commission and that the Planning Commission's recommendation be forwarded to the Local Government.

Should the City Commission desire to not follow the Planning Commission's recommendation, then the item is to be tabled and a request for a verbatim transcript of the Planning Commission meeting, which must be obtained before the item can be heard by the City Commission. The City Commission will then be required to make their own findings of fact based on the verbatim transcript or hold its own public hearing and then make findings of fact. Any action by the City Commission is to be limited to only the findings and testimony given during the Planning Commission hearing and no additional evidence or testimony is to be received unless a new public hearing is held by the City Commission.

On November 9, 2006, the Frankfort-Franklin County Planning Commission held a public hearing to consider a zone change request for this property. The public hearing was closed.

No one present spoke in opposition to the zone map amendment and the Planning Commission adopted the report as the summary. They then approved and adopted the 6 finding of fact as identified within the report, and motioned to recommend approval of a zone map amendment from Low-Density Multi-Family Residential District (RL) to Professional Office (PO) based on the six (6) findings of fact. The motion to recommend approval of the requested zone map amendment passed unanimously.

Recommendation: Approval

Attachments:

- Ordinance
- Adopted Findings of Facts
- Staff Report reviewed by the Frankfort/Franklin County Planning Commission. (Minutes from the November 9, 2006 meeting will be made available upon completion)

Contact Person

Name:	Gary Muller
Title:	Director
Department:	Planning and Building Codes
Phone:	502/352-2100
E-mail:	Gmuller@fewpb.com

- 3.6 **FIRST READING:** An Ordinance amending Ordinance No. 9, 2006 Series to correct the property description of 92 acres of property annexed along Highway US 60.

Purpose: Approval of an Ordinance amending Ordinance No.9, 2006 Series to correct the property description of 92 acres of property annexed along Highway US 60.

Background: This Ordinance will make a correction to the property description of the annexed property along US 60.

Recommendation: Approval

Attachments:

- Ordinance

Contact Persons:

Name:	Tony Massey	Rob Moore
Title:	City Manager	City Solicitor
Department:	City Manager	
Phone:	502/875-8500	502/227-2271
E-Mail:	Amassey@fewpb.com	Rmoore@hazelcox.com

4. ORDERS

5. RESOLUTIONS

- 5.1 Resolution authorizing the filing of an application for 2006 Brownfield Assessment Grant funds for hazardous substances and authorizing the Mayor to execute all documents pertaining to this grant.

Purpose: To authorize the filing of an application for 2006 Brownfield Assessment Grant funds for hazardous substances and designating the Mayor to execute all grant related documents.

Background: The United States Environmental Protection Agency has grant funds of up to \$200,000.00 for hazardous substances grants for Brownfield Assessments. The Holmes Street corridor has multiple sites, which may be or may be perceived to be Brownfields. This grant money would enable the City to complete an inventory of possible Brownfields along the corridor and complete assessments of these sites. A Resolution from the City is required as part of the full application package.

Financial Analysis: The grant does not require a match in the form of cash or in-kind services. The grant should have no additional impact on the budget.

Recommendation: Approval

Attachment:

- Resolution

Contact:		
Name:	Rebecca Hall	William Scalf
Title:	Grants Manager	Sewer Director
Department:	City Manager	Sewer Department
Phone:	502/875-8500	502/875-2448
E-Mail:	Rhall@fewpb.com	Wscalf@fewpb.com

- 5.2 Resolution authorizing the filing of an application for 2006 Brownfield Assessment Grant Funds for petroleum substances and authorizing the Mayor to execute all documents pertaining to this grant.

Purpose: To authorize the filing of an application for 2006 Brownfield Assessment grant funds for petroleum substances and designating the Mayor to execute all grant related documents.

Background: The United States Environmental Protection Agency has grant funds of up to \$200,000.00 for petroleum substances grants for Brownfield Assessments. The Holmes Street Corridor has multiple sites which may be or may be perceived to be Brownfields. This grant money would enable the City to complete an inventory of possible Brownfields along the corridor and complete assessments of these sites. A Resolution from the City is required as part of the full application package.

Financial Analysis: The grant does not require a match in the form of cash or in-kind services. The grant should have no additional impact on the budget.

Recommendation: Approval

Attachment:

- Resolution

Contact:

Name:	Rebecca Hall	William Scaff
Title:	Grants Manager	Sewer Director
Department:	City Manager	Sewer Department
Phone:	502/875-8500	502/875-2448
E-Mail:	Rhall@fewpb.com	Wscalf@fewpb.com

6. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.

- 6.1 To consider authorizing suspension of time in rank requirement for Fire Battalion Chief eligibility (Fire Department).

Purpose: To authorize suspending the promotional requirement for Battalion Chief of having to serve two years in the previous rank before being eligible for promotion. For the 2006 eligibility list for Battalion Chief the time in rank requirement will be one year.

Background: The Fire Department has three crew Battalion Chief positions in its structure with one Battalion Chief in charge of each crew. All three of the Captains who will be testing for promotion to Battalion Chief only have one year or less of time in grade as a Captain.

Our current policy requires (Frankfort Code of Ordinances Chapter 40.17 (3)) that "A member of the Fire Department must serve two years in the next lower rank before he or she will be deemed eligible for promotion". This provision however will present a problem with this year's promotional process in that none of the Captains have two years in rank. Because of this situation it is recommended that the two-year rank requirement be suspended for this year's eligibility stipulation for the rank of Battalion Chief only. All other ranks will maintain the two-year requirement. The Human Resources Director has reviewed this situation and agrees that suspension of the two-year requirement is the only solution to this problem.

The Civil Service Board unanimously supports and concurs with this recommendation as certified on the attached memorandum.

Recommendation: Approval

Attachments:

- October 18, 2006 memorandum with Civil Service Board Concurrence

Contact Persons

Name:	Wallace Possich	John Morrow
Title:	Fire Chief	Human Resources Director
Dept.:	Fire	City Manager's Office
Phone:	502-875-8511	502-875-8500
E-Mail:	wpossich@fewpb.com	jmorrow@fewpb.com

- 6.2 To consider approval of lowest bid for demolition of 682 Cline Street and to execute the Memorandum of Agreement (Planning and Building Codes).

Purpose: To authorize award of lowest bid for demolition of 682 Cline Street and to execute the Memorandum of Agreement.

Background: In accordance with the Property Maintenance Code, Section 109.1, the City ordered the property owner of 682 Cline Street to raze the condemned building within thirty days or the City would raze the building and charge the costs incurred to the real estate that remains. The property was properly noticed in accordance with the Property Maintenance Code.

A notice to raze the structure was sent to the owner at the last known address, on April 19, 2006, via certified letter, first class letter and the property was also posted with the same notice.

As of date, the owner has not contacted our department to confirm acceptance of the City of Frankfort to raze the structure and place a lien on the property if not paid. Acceptance is not required by our code.

Quotes were requested from vendors, only one responded. John Feshal, Jr. was the lowest bidder at \$9,200.00.

Financial Analysis: The Planning and Building Codes Department has budgeted \$38,100.00 for demolitions and nuisance abatement. As of date we have approximately \$30,600.00 remaining. Upon approval of this bid and Memorandum of Agreement, the remaining budgeted amount for demolitions and nuisance abatement will be \$21,400.00. Funds available in Account No. 100-70-53295.

Attachments:

- Bids received
- Recent photo of property
- Draft Memorandum of Agreement.

Recommendation: Approval

Contact Person

Name: Gary Muller
Title: Director
Department: Planning and Building Codes
Phone: 875-8513
Email: gmuller@fewpb.com

- 6.3 To consider awarding Engineering Services Agreement to CDM for Capacity Management Operations and Maintenance (CMOM) Self Assessment and Sanitary Sewer Overflow Protocol (SORP) assistance (Sewer Department).

Purpose: To award a contract to CDM for Capacity Management Operations and Maintenance (CMOM) Self Assessment and Sanitary Sewer Overflow Protocol (SORP) assistance.

Background: In August 2006 the Sewer Department received Statements of Qualifications from interested firms to assist the Department in preparing a CMOM Self Audit and a SORP. The Department received responses from 9 firms for the CMOM Self Audit and 6 firms for the SORP. After reviewing the Statements of Qualifications, a short list was prepared and a total of three firms were interviewed.

CDM was selected based upon their broad background of CMOM and SORP experience, especially within Region IV of the USEPA. After negotiations, the project completion date is 150 days after signing of the contract for a lump sum fee of \$75,000.

Financial Analysis: Funds are available in Account No.450.68.56550.

Recommendation: Approval

Attachments:

- Engineering Services Agreement

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 502/875-2448
Email: wscalf@fewpb.com

- 6.4 To consider approval of Change Order # 1 to Statiflo Corporation for Static Mixing Equipment for new Ozone System at the Wastewater Treatment Plant (Sewer Department).

Purpose: The purpose of this item is to consider approval of Change Order #1 to the contract for static mixing equipment at the Frankfort Sewer Department to supersaturate the effluent with Ozone for disinfection at the Wastewater Treatment Plant.

Background: Bids were opened on Wednesday October 11, 2006. Following negotiations a contract award was made on October 30. As part of the negotiations several changes were agreed to by both parties to clarify Sections 00200, 00610, 00615, and 00520 as shown on the attached Change Order No. 1.

Financial Analysis: There is no change in contract price.

Recommendation: Approval

Attachments:

- Change Order No. 1

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 502/875-2448
Email: wscalf@fewpb.com

- 6.5 To consider approval of a contract extension with FMSM Engineers for Geographic Information Systems (GIS) support for the City of Frankfort (Sewer Department).

Purpose: The purpose of this item is to consider a contract extension with FMSM Engineers for additional Services associated with collection of GIS data to populate the database for the sanitary sewer system.

Background: The Sewer Department has agreed to develop a GIS mapping system as part of our Sanitary Sewer Overflow Plan (SSOP) on file with the Kentucky Division of Water. In October 2004 the City of Frankfort awarded a contract to FMSM for GIS support for the City.

The Sewer Department has completed populating the database in our Basins 1, 2, 3, 4 8, 9 and 10. This contract will authorize FMSM to complete data collection in Basins 5, 6 and 7. Upon completion of this work, the Department will have the entire collection system in GIS. Project will be completed no later than October 2007 and project cost is \$148,000.

Financial Analysis: Funds are available in Account No.300.68.53295.

Recommendation: Approval

Attachments:

- Proposal from FMSM for Basins 5, 6 and 7

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 502/875-2448
Email: wscalf@fewpb.com

- 6.6 To consider award of an Engineering Services Agreement to Lee Engineering, LLC, for the design and bidding of a new pump station along Jones Lane off US 127 South of Frankfort (Sewer Department).

Purpose: To award an Engineering Services Agreement to Lee Engineering, LLC for the design and bidding of a new pump station along Jones Lane off US 127 South of Frankfort.

Background: The owner of the Suburban Mobile Home Park currently operates a WWTP serving the mobile home park. The Division of Water is requiring the operator of the WWTP to connect to the City of Frankfort Sewer Department collection system. The Frankfort Sewer Department believes that a new pump station can be constructed and at least one of our old existing stations can be taken off line and the flow routed to the new station.

Lee Engineering was chosen for this project because they were already working for the owner of the WWTP and have topographic surveys and other aspects of the design completed, resulting in cost savings to the Sewer Department. The owner of the WWTP will reimburse the Frankfort Sewer Department a prorated share of the cost of the new system.

Financial Analysis: Funds are available in Account No. 450.68.56550.

Recommendation: Approval

Attachments:

- Engineering Services Agreement

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 502/875-2448
Email: wscalf@fewpb.com

- 6.7 To consider award of Engineering Services Agreement to Quest Engineers for the design, bidding, contract administration and resident representation of a replacement pump station at Cardinal Hills (Sewer Department).

Purpose: To consider awarding an Engineering Services Agreement to Quest Engineers for the design, bidding, contract administration and resident inspection for the replacement of the Cardinal Hills Pump Station.

Background: In June 2003 the City of Frankfort entered into an agreement with Quest Engineers to design a replacement pump station at Cardinal Hills. The design was completed, submitted to the Division of Water, and appropriate approvals obtained (the approvals have since expired). This agreement is for the redesign of the new pump station to current design standards and resubmittal to the Division of Water for approval. The Agreement also covers the cost of contract administration and resident representation (based upon an estimated 4-month construction period).

The agreement calls for advertising for bids in early 2007 with a construction start shortly thereafter. Total cost of this agreement is \$44,600.

Financial Analysis: Funds are available in Account No. 450.68.56550.

Recommendation: Approval

Attachments:

- Engineering Services Agreement

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 502/875-2448
Email: wscalf@fewpb.com

- 6.8 To consider awarding the purchase of a 2007 Dodge Caravan 7-passenger van under a Rural Transit Enterprises Coordinated (RTEC) bid award through Ilderton Dodge & Conversion Company, Charlotte, NC (Public Works).

Purpose: The purpose of this item is to award the purchase a 2007 Dodge Caravan 7-passenger van under a Rural Transit Enterprises Coordinated (RTEC) bid award through Ilderton Dodge & Conversion Company, Charlotte, NC.

Background: The van will be used in the Transit Division to transport para-transit (demand response) passengers during peak hours. The van will replace a 1991 Ford Crown Victoria with over 100,000 miles. The Ford Crown Victoria will be declared surplus.

Financial Analysis: The cost of the van is \$20,631.00 with the following breakdown of costs: Federal Share (80%) \$16,504.80, State Share (10%) \$2,063.10 and City Share (10%) \$2,063.10. The City will be reimbursed for the Federal and State shares through the Section 5311 Capital Grant. The City's 10% match is available in the Transportation Improvement Account (#530-005-1100).

Recommendation: Approval

Attachments: None

Contact Person:

Name: Jeff Hackbart
Title: Director
Department: Public Works
Phone: 502/352-2091
E-mail: jhackbart@fewpb.com

- 6.9 To consider awarding a contract to Sani-Tech Services to perform preventative maintenance cleaning of selected sanitary and combined sewers and pump stations within the Sewer Department's collection system. (Sewer Department)

Purpose: The purpose of this item is to consider awarding a contract to Sani-Tech Services to perform cleaning of sanitary and combined sewers and pump station wet wells. This contract will utilize hourly rates established under a Master Agreement between Sani-Tech Services and the Commonwealth of Kentucky. The contract rate Sani-Tech is offering the Sewer Department is \$167.65 per hour and includes a VAC truck and two operators (this is a 30 percent discount over the state contract rate of \$239.50 per hour).

Background: Due to the ongoing requirements of responding to daily calls, the Sewer Department has been unable to establish an effective preventative maintenance program for the collection system. This contract will enable the Department to begin a preventative maintenance program utilizing a contract vendor. Since we implemented contract cleaning 3 years ago, we have seen a decrease in the number of trouble calls received and the number of sewer overflows. Additionally, we have seen a decrease in the number of call outs received by our pump crews since we started cleaning wet wells on a contract basis.

Based upon the unit rates and an estimated daily cleaning rate, it is projected that 40 to 50 miles of sewer will be cleaned under this contract and all pump station wet wells can be cleaned twice during the coming year.

Financial Analysis: This is an hourly contract with a not-to-exceed limit of \$200,000 with \$150,000 allocated to cleaning sewer and \$50,000 allocated to cleaning pump station wet wells. Funding is available from Sewer Account No. 300.68.53295.

Recommendation: Approval

Attachments:

- Master Agreement #M-05475789 between Sani-Tech Services & the Commonwealth of KY
- Letter of Agreement between Sani-Tech Services and the City of Frankfort

Contact Person

Name: William R. Scalf, Jr., PE
 Title: Director
 Department: Sewer
 Phone: 875-2448
 Email: wscalf@fewpb.com

6.10 <u>Personnel Action</u>	<u>Employee</u>	<u>Department</u>	<u>Date</u>	<u>Other</u>
Retirement	Diana G. Rogers	Planning & Bldg Codes	12-31-06	Administrative Aide; Authorize payment of accrued time as of effective date.

Attachments:

- Retirement letter, Diana G. Rogers

Contact Person

Name: John Morrow
 Title: Director
 Department: Human Resources
 Phone: 502/875-8500
 E-mail: Jmorrow@fewpb.com

7. BOARD APPOINTMENTS
 None

8. OLD BUSINESS
 None

9. NEW BUSINESS

9.1 <u>Personnel Action</u>	<u>Employee</u>	<u>Department</u>	<u>Date</u>	<u>Other</u>
Appointment	Clarence E. Oliver	Sewer	12-12-06	Tech I
	Charity A. White	Communications	12-15-06	Telecommunicator

	Julsun Pacheco	City Manager	1-2-07	Information
Retirement	Fred Spradlin	Communications	1-30-07	Technology Manager Telecommunicator; authorize payment of all accrued vacation and holiday pay as of effective date.
	Barry S. Clark	Police	11-30-06	Patrol Officer III; authorize payment of all accrued time as of effective date.

Attachments:

- Retirement letter, Fred Spradlin
- Retirement letter, Barry S. Clark

Contact Person

Name: John Morrow
Title: Director
Department: Human Resources
Phone: 502/875-8500
E-mail: Jmorrow@fewpb.com

10. CITIZEN COMMENTS

11. COMMISSIONER COMMENTS

12. ADJOURNMENT